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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/758,907

01/16/2004

Christian Knopfle

60,500-115

7065

27305

7590

03/07/2008

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EXAMINER

MENEZES, MARCUS

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

03/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/758,907

**Applicant(s)**

KNOPFLE ET AL.

**Examiner**

Marcus Menezes

**Art Unit**

3677

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

- Examiner acknowledges the submitted corrected drawings overcome the drawing objection in the prior office action mailed on August 6, 2007.
- Examiner acknowledges the claim objections and §112 claim rejection of claim 3 in the prior office action mailed on August 6, 2007 has been overcome.

### ***Claim Objections***

Claims 1-3, 5-7, 9, 10 and 17-19 are objected to because of the following informalities: the recited term "type" is ambiguous. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 17-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hsich (US 5848561).

Hsich discloses a sleeve handle comprising: an end that is constructed for mounting different types of sleeves thereto; a first arrangement (21) for interacting with a mounted sleeve of a first type; and a second arrangement (211,221,22,23,24) for interacting with a mounted sleeve of at least one second type; wherein the first arrangement prevents rotation of the mounted sleeve of the first type relative to said

end, and the second arrangement permits guided rotation of the mounted sleeve of the second type relative to said end.

Hsich further discloses that said first arrangement is constructed so as to interact with a complementary arrangement on the sleeve of the first type in a form-locking or frictional locking manner.

Hsich further discloses that said first arrangement comprises at least one blocking element (the groove between sidewalls 212) for engaging a complimentary blocking element on the sleeve of the first type for eliminating rotation of the mounted sleeve of the first type. Note, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

Hsich further discloses that said blocking element on said first arrangement is configured as a recess or as a projection.

Hsich further discloses that said first arrangement allows for a rotation-proof fixing of the sleeve of the first type in various angular positions with respect to the handle.

Hsich further discloses that said first arrangement possesses a plurality of blocking elements, which are spaced apart in the peripheral direction of an imaginary axis of rotation of the sleeve of the first type.

Hsich further discloses that said second arrangement possesses a guide element in the form of at least one guide projection (22) or at least one guide groove (211),

which guide element is constructed so as to interact with a complementary guide element on the sleeve of the second type.

Hsich further discloses that said guide projection is pretensioned via a spring (23) in the direction of the guide groove.

Hsich further discloses that said second arrangement permits captive but rotatable mounting of the sleeve of the second type at the end of the handle.

Hsich further discloses that said second arrangement permits captive mounting of the sleeve, both of the first and also of the second type, at the end of the handle.

Hsich further discloses that said handle possesses, at its end which is constructed for mounting of the sleeves, an aperture into which said sleeves can be introduced, and wherein the second arrangement is disposed in a region of a side wall (212) of said aperture.

### ***Response to Arguments***

Applicant's arguments filed December 5, 2007 have been fully considered but they are not persuasive. More specifically, Applicant argues that the cited prior art "does not prevent rotation, but merely limitations rotary motion in one direction." Examiner agrees that the prior art prevents rotation in only one direction. However, the claims do not state that rotation must be prevented in all directions. Therefore, Examiner feels that the cited prior still reads on the claim language.

Art Unit: 3677

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Menezes whose telephone number is (571)272-6284. The examiner can normally be reached on 8:00am - 5:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus Menezes  
Examiner  
Art Unit 3677

/MM/

/Robert J. Sandy/  
Acting SPE of Art Unit 3677